

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY 4 D.C.  
05 JUL 26 AM 8:51  
THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

ST. MICHAEL MOTOR EXPRESS, INC., )  
)  
Plaintiff, )  
)  
v. ) Civil No. 1:05-1104-T  
)  
INTERNAL REVENUE SERVICE, )  
)  
Defendant. )

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

**I. Initial Disclosures**

Inasmuch as this case consists of the Court's review of an administrative record, this case is exempt from the initial disclosure requirements. See, Fed. R. Civ. P. 26(a)(1)(E)(i); see also L.R. 16.1(b) (reviews of administrative record exempt from scheduling requirements). The United States will provide plaintiff with a copy of the administrative record by August 12, 2005.

**II. Joining Parties**

Plaintiff : October 28, 2005.

Defendant: November, 29, 2005

**III. Amending pleadings**

Plaintiff: October 28, 2005.

Defendant: November 29, 2005.

#### **IV. Completing Discovery**

Because this case arises under 26 U.S.C. § 6330 and is a judicial review of an administrative hearing, the Court will limit its review of the determination of the Internal Revenue Service to the administrative case history of the hearing. This order is without prejudice to the Plaintiff filing a motion requesting that discovery be allowed or that supplementation of the administrative record be permitted, based upon the specific facts of this case.

#### **V. Filing Dispositive Motions**

The deadline for filing dispositive motions shall be March 19, 2006. Opposition briefs and reply briefs shall be filed within the deadlines set by the Local Rules.

#### **VII. Other Relevant Matters**

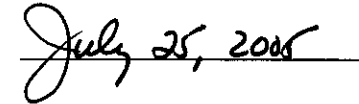
The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arise which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

**IT IS SO ORDERED:**

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: 



## Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 1:05-CV-01104 was distributed by fax, mail, or direct printing on July 27, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT